

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:18-cr-00086-MR-WCM**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>O R D E R</u>
)	
FRANCISCO ESCAMILLA VILLA,)	
)	
Defendant.)	
)	

THIS MATTER is before the Court on the Defendant's Motion to Suppress [Doc. 16]; the Magistrate Judge's Memorandum and Recommendation regarding that motion [Doc. 44]; and the parties' Objections to the Memorandum and Recommendation [Docs. 47, 48].

On December 4, 2018, the Honorable W. Carleton Metcalf, United States Magistrate Judge, conducted an evidentiary hearing on the motion to suppress. On June 10, 2019, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the motion to suppress be granted in part and denied in part. [Doc. 44]. Both the Government and the Defendant timely filed Objections to the Memorandum and Recommendation on June 24, 2019. [Docs. 47, 48].

Upon conducting a *de novo* review of the Memorandum and Recommendation, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the parties' Objections and accepts the Magistrate Judge's recommendation that the Defendant's Motion to Suppress should be granted in part and denied in part.

IT IS, THEREFORE, ORDERED that the parties' Objections [Docs. 47, 48] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 44] is **ACCEPTED**; and the Defendant's Motion to Suppress [Doc. 16] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Motion is **GRANTED** with respect to the evidence recovered from the Defendant's home. In all other respects, the Motion is **DENIED**.

IT IS SO ORDERED.

Signed: July 12, 2019



Martin Reidinger
United States District Judge

